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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-560 - 10 et seq.
Regulation title	Regulations Governing Reporting Acts of Violence and Substance Abuse in Schools
Action title	Revise the regulations to comport with changes in state and federal statutes concerning the reporting of crime, violence, and substance abuse in schools.
Document preparation date	9/26/2003

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this regulatory action is to revise current Board of Education regulations to ensure that all provisions are consistent with reporting requirements of the *Code of Virginia*, the *Safe and Drug Free Schools and Communities Act* (20 U.S.C. 7101 et seq.), the *Gun Free Schools Act* (20 U.S.C. 7151 et seq.), and the *Individuals with Disabilities Education Act* (20 U.S.C. 1414 et seq.). The current Board of Education regulations contain the requirements for the reporting of acts of violence and substance abuse in Virginia public schools. Since the regulations were first promulgated, state and federal laws have been amended to change the reporting requirements; therefore, the Board of Education regulations need to be reviewed and updated as necessary to comport with the new state and federal reporting requirements.

The Notice of Intended Regulatory Action will begin the process for the Board's regulations to be revised consistent with current state and federal statutes.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Virginia Board of Education is the promulgating entity.

The legal authority is to promulgate these regulatory revisions rests in the *Code of Virginia* at § 22.1 –16 and § 22.1 – 279.3:1. Compliance with § 22.1 – 279.3:1 is mandatory.

Under the requirements of the *Safe and Drug Free Schools and Communities Act* (20 U.S.C. 7101 et seq.), the *Gun Free Schools Act* (20 U.S.C. 7151 et seq.), and the *Individuals with Disabilities Education Act* (20 U.S.C 1414 et seq.), compliance is mandatory.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The listing of reporting elements in the current Board of Education *Regulations Governing Reporting Acts of Violence and Substance Abuse in Schools* will be reviewed in detail to determine whether the provisions are consistent with reporting requirements under the *Code of Virginia* and under federal statutes and regulations. Where inconsistencies are found, the regulations will be amended to ensure compliance. For example, one known area of inconsistency is that the *Individuals with Disabilities Education Act* requires the reporting of sanctions; however, the current Board of Education regulations do not contain this requirement. Therefore, Board of Education regulations need to be updated to reflect the federal requirement.

The regulation has no negative impact on the health, safety, or welfare of citizens. The regulation has a positive impact on the safety of schools and communities because, as a result of the regulations, parents and the entire community will be better informed about any acts of crime or violence in their local schools.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

Compliance with the provisions of the state and federal laws and regulations is mandatory. Alternatives will be considered in drafting the proposed revisions. A priority will be to seek input and comment from the regulated entities to provide as much flexibility as possible with a minimum fiscal and administrative impact.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

There is no anticipated impact on the institution of the family and family stability.